

Chapter 27.24

R-8 RESIDENTIAL DISTRICT

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This district is intended to permit high density residential uses; lodging and boarding houses; apartment hotels; private clubs; civic, cultural, educational, labor, professional, trade and fraternal membership organizations; and such facilities as schools, parks, community buildings, and churches exclusively in that area designated as the E-1 multiple dwelling district which existed immediately prior to the effective date of this title.

27.24.010 Scope of Regulations.

The regulations set forth in this chapter, or set forth elsewhere in this title when referred to in this chapter, are the district regulations in the R-8 Residential District. (Ord. 12571 §148a; May 8, 1979).

27.24.020 Use Regulations.

A building or premises shall be permitted to be used for the following purposes in the R-8 Residential District:

- (a) Single-family dwellings;
- (b) Two-family dwellings;
- (c) Multiple dwellings;
- (d) Townhouses;
- (e) Apartment hotels;
- (f) Parks, playgrounds, and community buildings owned or operated by a public agency;
- (g) Public libraries;
- (h) Public elementary and high schools, or private schools having a curriculum equivalent to a public elementary or public high school and having no rooms regularly used for housing or sleeping purposes;
- (i) Private clubs; civic, cultural, educational, labor, professional, and trade membership organizations; fraternities; sororities; and lodges, except those the primary activity of which is a service customarily carried on as a business;

(j) Churches. (Ord. 17531 § 3; July 26, 1999: prior Ord. 15159 §5; April 24, 1989: Ord. 12571 §148a; May 8, 1979).

ANNOT.: The term "customarily" as used in this statute should not be a mathematical determination to be resolved only by computing percentages, neither should it be resolved by what might be termed the habitual or usual mode of operation.

State v. Smiley, 182 Neb. 211, 153 N.W.2d 906 (1967).

The practice should be appreciable or perhaps substantial. It should be sufficient to constitute a recognized mode of activity in the field, but it need not be the more prevalent one. Id.

The time at which "customary usage" is to be determined is at the time the litigation arose. Id.

Incidental or accessory use is any use which is dependent upon or pertains to the principle or main use. Id.

27.24.030 Permitted Conditional Uses.

A building or premises may be used for the following purposes in the R-8 Residential District in conformance with the conditions prescribed herein:

(a) Group homes:

(1) Group homes shall comply with all sign, height, and area regulations of the district, and all provisions of the minimum standard housing ordinance. Parking shall be regulated in conformance with the requirements of Chapter 27.67;

(2) The distance between the proposed use and any existing group home measured from lot line to lot line shall not be less than 1,200 feet;

(3) Such use shall be permitted only so long as the facility continues to be validly licensed by the State of Nebraska.

(b) Early childhood care facilities in churches:

(1) The parking and loading/unloading area for such facilities shall comply with the provisions of Chapter 27.67 of the Lincoln Municipal Code and the design standards for early childhood care facilities;

(2) Such facilities shall comply with all applicable state and local early childhood care requirements;

(3) Such facilities shall comply with all applicable building and life safety code requirements;

(4) Such facilities shall be fenced and have play areas that comply with the design standards for early childhood care facilities;

(5) Such facilities must receive a conditional use permit from the Department of Building and Safety.

(c) Domestic shelter:

(1) Parking shall be in conformance with Chapter 27.67;

(2) The maximum number of residents occupying such a facility shall not exceed one person per 750 square feet of lot area;

(3) The distance between the proposed use and any existing domestic shelter measured from lot line to lot line shall not be less than one mile.

(d) Early childhood care facilities with a maximum of fifteen children present at any time:

(1) The parking and loading/unloading area for such facilities shall comply with the provisions of Chapter 27.67 of the Lincoln Municipal Code and the design standards for early childhood care facilities;

(2) Such facilities shall comply with all applicable state and local early childhood care requirements;

(3) Such facilities shall comply with all applicable building and life safety code requirements;

(4) Such facilities shall be fenced and have play areas that comply with the design standards for early childhood care facilities;

(5) Such facilities shall be used as the permanent residence of the licensed child care provider;

(6) Such facilities with thirteen or more children must receive a conditional use permit from the Department of Building and Safety;

(7) Early childhood care facilities located in mobile homes shall have a severe weather emergency action plan approved by the Health Department. (Ord. 16854 §20; August 14, 1995: prior Ord. 15751 §10; October 15, 1990: Ord. 14060 §6; February 25, 1985: Ord. 13302 §8; February 1, 1982: Ord. 12571 §148a; May 8, 1979).

27.24.040 Permitted Special Uses.

A building or premises may be used for the following purposes in the R-8 Residential District if a special permit for such use has been obtained in conformance with the requirements of Chapter 27.63:

- (a) Private schools, other than those permitted under Section 27.24.020(h) above;
- (b) Health care facilities;
- (c) Dwellings for members of religious orders;
- (d) Recreational facilities;
- (e) Broadcast towers;
- (f) Certain parking lots as defined in Chapter 27.63;
- (g) Elderly or retirement housing;
- (h) Expansion of nonconforming uses;
- (i) Historic preservation;
- (j) Offices;
- (k) Church steeples, amateur radio antenna installations, towers, and ornamental spires which exceed the maximum height permitted in the district;
- (l) Public utility purposes;
- (m) Wind energy conversion systems;
- (n) Housing and related facilities for the physically handicapped;
- (o) Outdoor seasonal sales;
- (p) Cemeteries;
- (q) Domiciliary care facility;
- (r) Expansion of nonstandard single and two-family dwellings into required yards;
- (s) Nonprofit religious, educational or philanthropic institutions;

(t) Early childhood care facilities with sixteen or more children, or with fifteen or fewer children not meeting the specified conditions for a permitted conditional use under Section 27.24.030;

(u) Connection of single-family dwelling to accessory building for the physically handicapped;

(v) Alternative to imprisonment facilities;

(w) Children's homes. (Ord. 18535 §14; May 9, 2005: prior Ord. 17746 §1; October 16, 2000: Ord. 16854 §21; August 14, 1995: Ord. 16820 §8; July 10, 1995: Ord. 16673 §12; September 26, 1994: Ord. 15368 §10; December 18, 1989: Ord. 15159 §6; April 24, 1989: Ord. 14815 §7; January 4, 1988: Ord. 14780 §9; November 2, 1987: Ord. 14767 §8; October 12, 1987: Ords. 14475, 14562, amended by Ord. 14644 §10, April 13, 1987: Ord. 14475 §8; August 18, 1986: Ord. 14378 §8; May 5, 1986: Ord. 14074 §4; August 18, 1985: Ord. 13980 §8; October 29, 1984: Ord. 13588 §9; May 9, 1983: Ord. 13546 §9; February 28, 1983: Ord. 12978 §10; August 25, 1980: Ord. 12894 §10; April 7, 1980: Ord. 12571 §148a; May 8, 1979).

27.24.045 Office Space Limitation.

Where any type of office use is permitted under this chapter, at least seventy-five percent of the total floor area must be used for residential purposes; provided however, this restriction shall not apply to office uses authorized by special permit for property located within the Capitol Environs District. (Ord. 14785 §1; November 9, 1987: prior Ord. 13102 §1; March 9, 1981).

27.24.050 Accessory Uses.

Accessory uses permitted in the R-8 Residential District are necessary buildings and uses customarily incident to the above uses, including storage garages where the lot is occupied by a multiple dwelling, hospital, or institution building. (Ord. 12571 §148a; May 8, 1979).

27.24.060 Parking Regulations.

All parking within the R-8 Residential District shall be regulated in conformance with the provisions of Chapter 27.67. (Ord. 12571 §148a; May 8, 1979).

27.24.070 Sign Regulations.

Signs within the R-8 Residential District shall be regulated in conformance with the provisions of Chapter 27.69. (Ord. 12571 §148a; May 8, 1979).

27.24.075 Grading and Land Disturbance Regulations.

Grading and land disturbance within the R-8 Residential District shall be regulated in conformance with the provisions of Chapter 27.81. (Ord. 17618 §11; February 22, 2000.)

27.24.080 Height and Area Regulations.

The maximum height and minimum lot requirements within the R-8 Residential District shall be as follows:

(a) General requirements:

Table 27.24.080(a)						
	Lot Area (Sq. ft.)	Avg. Lot Width	Req'd Front Yard	Req'd Side Yard	Req'd Rear Yard	Height
Dwelling, single- family	4,000	50'	10'	10'	20'	35'
Dwelling, two-family	2,000 per family	25' per family	10'	10' or 0' on party wall	20'	35'
Townhouses	2,000 per family	20' per family	10'	10' or 0' on party wall	20'	35'
Dwelling, Multiple or apartment hotel	550 per unit	50'	10'	10'*	20'	75'
Other permitted uses	4,000	50'	10'	10'	20'	35'
* For a building exceeding 45' in height, the sum total of the two required side yards shall not be less than 30', and neither side yard shall be less than 10'.						

(b) There shall be a required front yard on each street side of a double frontage lot.

(c) There shall be a required front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record on November 2, 1953, need not be reduced to less than twenty-eight feet except where necessary to provide a required side yard of not less than five feet in place of one of the required front yards.

(d) Balconies may be provided in the required side yard but not closer than seven feet to the side lot line.

(e) Open space requirements for residential use: A minimum amount of usable and accessible open space must be provided for each residential use. This requirement shall be as follows:

80 square feet per unit for each additional dwelling unit beyond one.

This open space requirement may be met in the following manner:

(1) The required rear yard may be counted; however, the required front and side yards may not be counted toward the fulfillment of said open space requirement, except as follows:

(i) Ground level or first floor porches, patios, and terraces as permitted in this chapter and in Sections 27.71.100 and 27.71.110;

(ii) The required front yard and side yard may be counted where the distance between the main building and said lot line exceeds the required side yard by more than seven feet.

(2) Parking spaces and land occupied by any building or structure may not be counted toward fulfillment of this open space requirement;

(3) The depth-to-width ratio of any area used to fulfill the open space requirement may not exceed three to one, if the smallest dimension of the open space is twelve feet or less.

(f) Accessory buildings which are attached to or located not more than six feet from the main structure shall be considered a part of the main structure and shall comply with the height and front, side, and rear yard requirements of the main structure. Accessory buildings not a part of the main structure may be located in any required rear yard, but such accessory buildings may not occupy more than thirty percent of the required rear yard, and shall not be nearer than two feet to any side or rear lot line, nor more than fifteen feet in height. Accessory buildings not a part of the main structure, if located not less than sixty feet from the front lot line, may extend into the required side yard though not nearer than two feet to the side lot line. A garage which is entered from an alley shall not be located closer than ten feet to the alley line.

(g) Where a lot of record as of November 2, 1953, has less area or width or both less area and width than herein required and its boundary lines along their entire length abutted lands under other ownership on November 2, 1953, and have not since been changed, the lot may be used for a single-family dwelling, two-family dwelling, or for any nondwelling use permitted in this chapter. (Ord. 17664 §9; May 1, 2000: prior Ord. 16971 §5; April 22, 1996: Ord. 13929 §8; August 27, 1984: Ord. 13067 §4; January 5, 1981: Ord. 12751 §8; November 5, 1979: Ord. 12679 §2; September 4, 1979: Ord. 12571 §148a; May 8, 1979).

27.24.090 Neighborhood Design Standards.

Each application for a building permit for new construction of a principal building on property located within the Lincoln city limits as of December 31, 1949 shall comply with the neighborhood design standards. (Ord. 18305 §8; February 23, 2004: prior Ord. 17664 §10; May 1, 2000).